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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,846	02/26/2002	Joel E. Cordsmeyer	BELL-0118/01116	6839

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EXAMINER

RAYYAN, SUSAN F

ART UNIT PAPER NUMBER

2167

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/082,846

Applicant(s)

CORDSMEYER ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/30/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-14 are pending.
2. Amendment filed on August 30, 2004 has been considered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1,5-6,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai et al (US 5,638,508) and Menon et al (US 5,933,840) and Applicant's admitted prior art.**

**As per claims 1,11 Kanai teaches:**

ensuring there is adequate temporary for storing new ... records at col.4, lines 4-27.

Kanai does not explicitly teach the procedure initiates deletion of older ... records in permanent memory, the new ... records comprising ... records generated while the older ... records are being deleted however Menon does teach this limitation at col.5, lines 20-35. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to yield the maximized most free space at col.17, lines 50-53.

Kanai and Menon do not explicitly teach statistical records however admitted prior art does teach this at Specification, p.2, lines: 12-14. Thus it would have been obvious to

one of ordinary skill in the art at the time of the invention to combine the cited references to ensure network elements function properly (p.1, lines 9-10).

**As per claim 5** same as claim arguments above and Kanai teaches:  
wherein the temporary memory space comprises a log space at col.4, lines 10-11.

**As per claims 6** same as claim arguments above and Menon teaches:  
wherein the permanent memory utilizes indices or pointers and the indices or pointers are reset following the deletion of older ...records at col. 5, lines 32-33, Menon's yield free space includes resetting the pointers or indices.

**5. Claim 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai et al (US 5,638,508) and Menon et al (US 5,933,840) and Applicant's admitted prior art in view of Milillo et al (US 5,566,315).**

**As per claim 2** same as claim arguments above and Kanai, Menon, and Applicant's admitted prior art does not explicitly teach wherein the adequate temporary memory comprises ninety percent or more free memory space however Milillo does teach this limitation at col.2, lines 26-50. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to free memory locations to be written to at col.2, lines 48-50.

**6. Claims 3-4,12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai et al (US 5,638,508) and Menon et al (US 5,933,840) and Applicant's admitted prior art in view of Dye et al (US 6,523,102).**

**As per claims 3,12** same as claim arguments above and Kanai, Menon, and Applicant's admitted prior art does not explicitly teach comprising the further improvement of waiting a predetermined period of time if there is inadequate temporary memory however Dye does teach this limitation at col. 35, lines 52-55. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to schedule execution of background tasks at col.35, lines 53-55.

**As per claim 4,13** same as claim arguments above and Kanai, Menon, and Applicant's admitted prior art does not explicitly teach wherein the predetermined period of time comprises approximately thirty seconds however Dye does teach this limitation at col.35, lines 55-57. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to schedule execution of background tasks at col.35, lines 53-55.

**7. Claim 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai et al (US 5,638,508) and Menon et al (US 5,933,840) and Applicant's admitted prior art in view of Gans et al (US 6,216,127)**

**As per claim 7** same as claim arguments above and Kanai, Menon, and Applicant's admitted prior art does not teach less frequently than hourly but at least once daily however Gans does tech this limitation at col.2, lines 30-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to reclaim memory previously allocated to data that has become obsolete.

**8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable Menon et al (US 5,933,840) and Gans et al (US 6,216,127) and Applicant's admitted prior art.**

**Regarding independent claim 8** Menon teaches deletion of older ... records at col. 5, lines 20-35. Menon does not teach scheduling the deletion during a period of relatively few statistical records being generated however Gans does teach this limitation at col.2, lines 30-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to reclaim memory previously allocated to data that has become obsolete at a time when fewer resources are being used.

Menon and Gans do not explicitly teach statistical records however admitted prior art does teach this at Specification, p.2, lines: 12-14. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to ensure network elements function properly (p.1, lines 9-10).

**As per claim 9** same as claim arguments above and Menon teaches: wherein the permanent memory utilizes indices or pointers and the indices or pointers are reset following the deletion of older ...records at col. 5,lines 32-33, Menon's yield free space includes resetting the pointers or indices.

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**As per claim 10** same as claim arguments above and Gans teaches less frequently than hourly but at least once daily however Gans does teach this limitation at col.2, lines 30-42.

### ***Response to Arguments***

9. Applicant's arguments on pages 12-13 of the amendment filed on August 30, 2004, with respect to the rejection(s) of claim(s) 1-14 under 35 U.S.C. 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

10. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-4117. The examiner can normally be reached M-F: 8am - 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107 The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquiries and draft communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

  
Susan Rayyan

April 25, 2005

  
Primary Examiner